IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Mahendra Choudhary. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 945/2006
against the order dated 7-2-2006 passed
by the Judicial Magistrate, Gogunda, district
Udaipur, in Criminal Case No. 57/2006.

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Date of Order: September 15, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Sanjay Mathur, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.
Mr. G.R. Bhari, for the complainant.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 7-2-2006 passed by the Judicial Magistrate, Gogunda, district Udaipur (for short, "the Judicial Magistrate" hereinafter) in Criminal Case No. 57/2006 arising out of Crime Report No. 40/2002, whereby the Judicial Magistrate took cognizance of the offences under Section 504 IPC and Section 3 (1) (x) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act" hereinafter) against the petitioner.

I have heard learned counsel for the parties.

Carefully gone through the order impugned.

It is contended by the learned counsel for the petitioner as well as the counsel for the complainant that the parties have compromised the matter out-side the Court and the complainant is not going to pursue the crime report lodged by him any more.

Even otherwise, from the material on record, in my view, prima facie no such offences are made out, for which the petitioner can be prosecuted. Therefore, allowing the proceedings to continue any further would be nothing but an abuse of the process of the Court and as such, to secure the ends of justice, the order impugned deserves to be set aside.

Consequently, the criminal miscellaneous petition is allowed. The impugned order dated 7-2-2006 passed by the Judicial Magistrate, Gogunda, district Udaipur in Criminal Case No.57/2006 is set aside.

(H.R. PANWAR), J.

mcs